

**MINUTES**

**MONTANA SENATE  
61st LEGISLATURE - REGULAR SESSION**

**FREE CONFERENCE COMMITTEE ON HOUSE BILL 658**

**Call to Order:** Chairman Jeff Essmann, on April 24, 2009 at  
11:00 A.M., in Room 405 Capitol

**ROLL CALL**

**Members Present:**

Sen. Jeff Essmann, Chairman (R)  
Rep. Mike Jopek, Vice Chair (D)  
Rep. Dick Barrett (D)  
Rep. Mark Blasdel (R)  
Sen. Kelly Gebhardt (R)  
Sen. Kim Gillan (D)  
Rep. Bob Lake (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Lee Heiman, Legislative Services Division  
Debra L. Polhemus, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: NONE

Executive Action: HB 658 ~ FINAL ACTION PENDING  
CODE COMMISSIONER'S RULING

**Committee Business:**

00:00:36 Chairman Essmann  
[EXHIBIT\(frs88hb0658a01\)](#)  
00:01:08 Rep. Jopek  
00:01:59 Chairman Essmann  
00:02:06 Rep. Jopek

**EXECUTIVE ACTION ON HB 658**

00:02:14 **Motion:** Sen. Gebhardt moved that **HB 658 BE CONCURRED IN.**

00:02:38 **Motion:** Sen. Gebhardt moved that **HB 658 BE AMENDED.**  
[EXHIBIT\(frs88hb0658a02\)](#)

**Discussion:**

00:03:00 Chairman Essmann  
00:04:32 Rep. Jopek  
00:05:13 Chairman Essmann  
00:05:22 L. Harold Blattie, Montana Association of Counties  
(MACo)  
00:05:56 Rep. Jopek  
00:06:19 L. Harold Blattie, MACo  
00:07:03 Rep. Jopek  
00:07:12 L. Harold Blattie  
00:11:35 Chairman Essmann  
00:12:22 Rep. Jopek  
00:13:31 Chairman Essmann  
00:13:44 Rep. Lake  
00:14:43 Sen. Gillan  
00:15:02 Chairman Essmann  
00:15:09 Rep. Jopek  
00:15:32 Chairman Essmann  
00:16:08 Sen. Gebhardt  
00:16:57 Rep. Jopek  
  
00:17:34 **Vote:** Motion failed by roll call vote with Reps. Jopek  
and Barrett voting no.  
[EXHIBIT\(frs88hb0658a03\)](#)  
Roll Call Vote

**Discussion:**

00:18:13 Rep. Jopek  
  
00:18:23 **Motion:** Chairman Essmann moved that **HB 658 BE AMENDED.**  
[EXHIBIT\(frs88hb0658a04\)](#)

**Discussion:**

00:19:25 Lee Heiman, Legislative Services Division (LSD)  
00:22:51 Rep. Lake  
00:23:01 Rep. Jopek  
00:23:51 Chairman Essmann  
00:24:12 Rep. Lake  
00:24:27 Rep. Jopek  
00:24:42 Alan Peura, Deputy Director, Department of Revenue  
(DOR)

**EXHIBIT (frs88hb0658a05)**

00:26:00 Chairman Essmann  
00:26:50 Sen. Gillan  
00:27:06 Alan Peura, DOR  
00:27:31 Sen. Gillan  
00:28:09 Rep. Lake  
00:28:29 Alan Peura  
00:28:57 Rep. Lake  
00:29:17 Rep. Jopek  
00:29:53 Chairman Essmann  
00:30:09 Rep. Jopek  
00:30:42 Chairman Essmann  
00:31:20 Rep. Jopek

00:31:31 Chairman Essmann deferred action on motion.

00:32:09 **Motion:** Chairman Essmann moved that **HB 658 BE AMENDED.**

**EXHIBIT (frs88hb0658a06)**

**Discussion:**

00:32:50 Rep. Jopek  
00:33:10 Chairman Essmann  
00:33:28 Rep. Jopek  
00:33:54 Lee Heiman, LSD  
00:34:06 Rep. Jopek  
00:35:27 Rep. Barrett

00:36:12 Chairman Essmann withdrew motion to amend.

**Discussion:**

00:36:32 Rep. Lake  
00:36:45 Rep. Jopek  
00:37:20 Chairman Essmann  
00:37:34 Rep. Jopek  
00:37:43 Chairman Essmann  
00:38:10 Sen. Gillan  
00:38:37 Lee Heiman

00:39:25 **Motion:** Sen. Gillan moved that **HB 659 BE AMENDED.**  
**EXHIBIT**(frs88hb0658a07)

**Discussion:**

00:39:54 Rep. Jopek  
00:40:38 Lee Heiman

00:40:50 **Substitute Motion:** Rep. Lake made a substitute motion  
that **THE PROPOSED AMENDMENT TO HB 658 BE TABLED.**  
(While normally a non-debatable motion, Chairman  
Essmann allowed committee discussion)

**Discussion:**

00:41:52 Rep. Jopek  
00:42:03 Sen. Gillan  
00:42:36 Rep. Lake

00:42:58 Chairman Essmann recognized Rep. Lake's motion to  
withdraw substitute motion.

00:43:39 **Vote:** Motion failed by roll call vote with Sen. Gillan  
voting aye.  
**EXHIBIT**(frs88hb0658a08)  
Roll Call Vote

**Discussion:**

00:44:14 Lee Heiman

00:46:00 **Motion:** Rep. Barrett moved that **HB 658 BE AMENDED.**  
**EXHIBIT**(frs88hb0658a09)

**Discussion:**

00:46:15 Rep. Barrett  
00:52:14 Rep. Lake  
00:53:30 Rep. Jopek

00:56:41 Motion failed by roll call vote with Sen. Gillan and  
Rep. Barrett voting aye.  
**EXHIBIT**(frs88hb0658a10)  
Roll Call Vote

**Discussion:**

00:57:34 Rep. Jopek  
00:57:41 Chairman Essmann

00:57:56 Recess

*(Note to audio listeners: Due to a lengthy committee break, several seconds of silence were inserted to represent the committee break before the second audio portion begins.)*

**Committee Business:**

00:58:22 Chairman Essmann

00:58:50 Sen. Gebhardt

00:59:25 Lee Heiman

01:01:09 **Motion:** Rep. Barrett moved that **HB 658 BE AMENDED.**  
**EXHIBIT(frs88hb0658a11)**

**Discussion:**

01:01:15 Rep. Barrett

**EXHIBIT(frs88hb0658a12)**

**EXHIBIT(frs88hb0658a13)**

01:03:53 Sen. Gillan

01:04:28 Rep. Barrett

01:04:43 Sen. Gillan

01:04:48 Lee Heiman

01:05:05 Rep. Jopek

01:06:32 Rep. Lake

01:06:56 Rep. Barrett

01:07:44 Rep. Lake

01:08:08 Rep. Barrett

01:08:25 Rep. Jopek

01:09:00 Rep. Barrett

01:09:24 Chairman Essmann

01:12:29 Rep. Jopek

01:14:06 Sen. Gillan

01:16:40 Rep. Lake

01:18:41 Rep. Jopek

01:19:17 Rep. Barrett

01:21:11 **Vote:** Motion failed with Sen. Gillan and Reps. Barrett  
and Jopek voting aye.

**EXHIBIT(frs88hb0658a14)**

Roll Call Vote

01:21:53 Recess

01:22:16 Reconvene

**Discussion:**

01:22:26 Lee Heiman

01:23:47 **Motion:** Chairman Essmann moved that **HB 658 BE AMENDED.**  
**EXHIBIT(frs88hb0658a15)**

**Discussion:**

01:24:37 Rep. Jopek  
01:24:58 Lee Heiman  
01:25:05 Rep. Jopek  
01:25:18 Sen. Gillan  
01:25:36 Chairman Essmann  
01:26:12 Sen. Gillan  
01:26:45 Chairman Essmann  
01:27:09 Sen. Gillan  
01:28:05 Rep. Lake  
01:28:27 Chairman Essmann  
01:28:55 Dan Bucks, Director, DOR  
01:30:24 Chairman Essmann  
01:30:39 Lee Heiman

01:30:48 **Substitution Motion:** Chairman Essmann offered  
conceptual amendment to insert the text "limited to  
single qualified residence" to amendment presently  
before committee.

**Discussion:**

01:30:59 Rep. Jopek  
01:31:31 Sen. Gillan  
01:33:07 Rep. Barrett  
01:34:55 Sen. Gillan  
01:36:46 Rep. Lake  
01:37:28 Chairman Essmann  
01:38:46 Rep. Jopek  
01:39:09 Sen. Gillan  
01:39:25 Rep. Jopek  
01:40:47 Chairman Essmann

01:41:35 **Vote:** Motion failed by roll call vote with Reps.  
Barrett and Jopek voting no.  
**EXHIBIT(frs88hb0658a16)**  
Roll Call Vote

**Discussion:**

01:43:21 Lee Heiman

01:44:24 **Motion:** Rep. Jopek moved that **HB 658 BE AMENDED.**

[EXHIBIT\(frs88hb0658a17\)](#)

[EXHIBIT\(frs88hb0658a18\)](#)

**Discussion:**

01:53:35 Sen. Gillan

01:53:57 Rep. Jopek

01:54:58 **Vote:** Motion failed unanimously by roll call vote.

[EXHIBIT\(frs88hb0658a19\)](#)

Roll Call Vote

**Discussion:**

01:55:28 Lee Heiman

01:55:52 **Motion/Vote:** Sen. Gillan moved that HB 658 **BE AMENDED.**

Motion failed by roll call vote with Sen. Gillan voting  
aye.

[EXHIBIT\(frs88hb0658a20\)](#)

[EXHIBIT\(frs88hb0658a21\)](#)

Roll Call Vote

**Discussion:**

01:57:47 Lee Heiman

01:57:54 **Motion:** Sen. Gillan moved that **HB 658 BE AMENDED.**

[EXHIBIT\(frs88hb0658a22\)](#)

**Discussion:**

01:58:03 Sen. Gillan

01:58:41 Rep. Jopek

01:58:55 Sen. Gillan

01:59:21 Rep. Jopek

01:59:44 Rep. Lake

01:59:57 **Vote:** Motion failed by roll call vote with Sen. Gillan  
voting aye.

[EXHIBIT\(frs88hb0658a23\)](#)

Roll Call Vote

02:00:58 **Motion:** Chairman Essmann moved that **HB 658 BE AMENDED.**

[EXHIBIT\(frs88hb0658a24\)](#)

**Discussion:**

02:01:22 Rep. Jopek

02:01:56 **Vote:** Motion failed by roll call vote with Reps.  
Barrett and Jopek voting no.

**EXHIBIT**(frs88hb0658a25)

Roll Call Vote

**Discussion:**

02:03:41 Lee Heiman

02:05:31 **Motion:** Rep. Lake moved that **HB 658 BE AMENDED.**

**EXHIBIT**(frs88hb0658a26)

**Discussion:**

02:06:20 Rep. Jopek

02:07:16 Rep. Lake

02:07:35 Rep. Jopek

02:08:08 Rep. Lake

02:08:15 Chairman Essmann

02:09:41 Rep. Jopek

02:10:09 **Vote:** Motion failed by roll call vote with Sen. Gillan  
and Reps. Barrett and Jopek voting no.

**EXHIBIT**(frs88hb0658a27)

Roll Call Vote

**Discussion:**

02:11:04 Chairman Essmann

02:11:13 Rep. Lake

02:11:26 Chairman Essmann

02:12:24 Rep. Jopek

02:13:29 Sen. Gillan

02:15:17 Sen. Gebhardt

02:17:02 **Motion:** Sen. Gebhardt moved to **RECONSIDER THE PREVIOUS  
ACTION OF FAILING TO ADOPT THE AMENDMENT TO HB 658.**

(See Exhibits #26 and #27)

**Discussion:**

02:17:52 Rep. Jopek

02:18:55 **Vote:** Motion failed by roll call vote with Reps.  
Barrett and Jopek voting no.

**EXHIBIT**(frs88hb0658a28)

Roll Call Vote

02:19:45 **Motion:** Sen. Gebhardt moved that **HB 658 BE CONCURRED  
IN.**

**Discussion:**

02:20:02 Rep. Jopek  
02:21:02 Sen. Gillan  
02:21:18 Rep. Jopek  
02:22:49 Sen. Gillan

02:24:31 Sen. Gebhardt withdrew the motion that **HB 658 BE  
CONCURRED IN.**

02:25:08 **Motion:** Sen. Gillan moved to **RECONSIDER THE PREVIOUS  
ACTION OF FAILING TO ADOPT THE AMENDMENT TO HB 658.**  
(See Exhibits #24 and #25)

**Discussion:**

02:25:32 Rep. Jopek  
02:26:13 Chairman Essmann  
02:27:24 Rep. Jopek  
02:27:55 Chairman Essmann  
02:28:01 Rep. Jopek  
02:29:04 Sen. Gillan  
02:29:37 Rep. Jopek  
02:30:06 Chairman Essmann  
02:30:38 Rep. Jopek  
02:31:25 Rep. Barrett  
02:32:38 Sen. Gebhardt

02:32:48 **Vote:** Motion failed by roll call vote with Reps.  
Barrett and Jopek voting no.

**EXHIBIT**(frs88hb0658a29)

02:34:06 **Motion:** Sen. Gebhardt moved that **HB 658 BE CONCURRED  
IN.**

**Discussion:**

02:34:20 Rep. Jopek  
02:34:35 Sen. Gillan  
02:35:12 Rep. Lake

02:35:41 **Vote:** Motion failed by roll call vote with Reps.  
Barrett and Jopek voting no.

**EXHIBIT** (frs88hb0658a30)

Roll Call Vote

**Committee Business:**

02:36:29 Rep. Jopek

02:36:36 Chairman Essmann

**ADJOURNMENT**

Adjournment: 6:10 P.M.

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Debra L. Polhemus, Secretary

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Additional Documents:

**EXHIBIT ([frs88hb0658aad.pdf](#))**